

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAMON MICHAEL DIMARTINO,

Civil No. 19-427 (JRT/SER)

Petitioner,

v.

JEFF TITUS,

ORDER

Respondent.

Damon Michael DiMartino, OID #: 205119, MN Correctional Facility, 7600 525th Street, Rush City, MN 55069, *pro se* petitioner.

Matthew Frank, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St Paul, MN 55101-2134, for respondent.

United States Magistrate Judge Steven E. Rau filed the Report and Recommendation on April 17, 2019 [Docket No. 8]. No objections have been filed to the Report and Recommendation in the time period permitted. Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner Damon Michael DiMartino's Petition (Docket No. 1) is **DENIED WITH PREJUDICE** with respect to Ground One and **DENIED WITHOUT PREJUDICE** with respect to Ground Two.
2. No certificate of appealability will be granted.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 3, 2019
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court